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VIA ECF

Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: United States v. Michael Avenatti, No. S1 19 Cr 373 (PGG)
Renewal of Pretrial Motions as to Superseding Indictment**

Dear Judge Gardephe:

We represent defendant Michael Avenatti in the above-referenced case. Today, the grand jury returned a Superseding Indictment. The Superseding Indictment omits the two conspiracy counts that were contained in the original Indictment, renumbers the substantive extortion charges as Counts One and Two, and adds a new charge of “honest services” wire fraud as Count Three.

Mr. Avenatti previously filed two motions to dismiss and accompanying memoranda of law directed at the charges in the original Indictment. (Dkts. ##28, 29, 34, 35). Mr. Avenatti respectfully renews both motions to dismiss inasmuch as they continue to apply to the renumbered Counts One and Two of the Superseding Indictment. Moreover, Mr. Avenatti respectfully submits that the motion to dismiss for vindictive and selective prosecution (Dkt. #28-29) applies with equal force to the new Count Three of the Superseding Indictment, and hereby requests that the Court accept this Letter as a motion to dismiss Count Three for the reasons previously argued. Government counsel have advised undersigned counsel that they do not object to Mr. Avenatti’s renewal of his pretrial motions in this fashion.

Finally, undersigned counsel intend to separately (and promptly) file a motion to dismiss Count Three for failure to state an offense, with an accompanying Memorandum of Law.

Respectfully,



Scott A. Srebnick
Jose M. Quinon